

Stephen R. Bosin, Esq.  
70 Grand Ave. Suite 200  
River Edge, N.J. 07661  
(201) 342.4117  
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
X

MARC DEVEAUX

**COMPLAINT**

CIVIL ACTION NO.

Plaintiff

v.

PETER A. BORDES, JR.

Defendant

\_\_\_\_\_  
X

Comes now Marc Deveaux hereinafter (“Plaintiff”) for his Complaint against  
Peter A. Bordes, Jr. (“Defendant”) and alleges as follows:

**Jurisdiction and Venue**

1) This Court has diversity jurisdiction under Title 28 U.S.C. §1332(a)(1) because  
the amount in controversy is in excess of \$75,000, and the controversy is between citizens of  
different states.

2) Venue is proper in the District of New York by virtue of Title 28 U.C.S. §1391(b)  
(1) because the Defendant resides in New York.

### **Nature of Action**

3) In this action Plaintiff seeks payment of wages due him under the New Jersey Wage Payment Law, N.J.S.A. § 34:11-4.1et seq. for services rendered during the fourteen month period from December 2020 to January 2022 against Defendant who is personally liable under the aforesaid law.

### **The Parties**

4) Plaintiff, Marc Deveaux, resides at 204 Walton Street, Ridgewood, Bergen County, New Jersey, and is a citizen of the State of New Jersey.

5) Defendant, Peter A. Bordes, Jr. resides at 140 W. 79<sup>th</sup> Street, Apt. 4, New York City, New York, and on information and belief, is a citizen of the State of New York.

### **Claim For Benefits**

6) During the period from December 2020 to January 2022 Plaintiff was employed by Qandlestick, LLC, a New Jersey limited liability company located at 800 Park Avenue in Fort Lee, Bergen County, New Jersey which provided tools for trading crypto currency.

7) In December 2020 Plaintiff brought a large project to Qandlestick wherein he would perform services for Mitsubishi UFJ Financial Group (“MUFG”) which would be billed through Qandlestick, LLC and for which he would be paid a commission of 85% of the fees received by Qandlestick for his work rather than be paid a set salary.

8) The work that Plaintiff performed on the MUFG project consisted of designing and developing trading applications for the U.S. bond market.

9) The hours that Plaintiff worked varied each month which resulted in a different amount of wage payments due. As such, the wage payment due for services rendered on this project varied, his

compensation satisfies the definition of wages under N.J.S.A. § 34:11-4.1(c) of the New Jersey Wage Payment Law which it defines to mean, “the direct monetary compensation for labor or services rendered by an employee, where the amount is determined on a time, task, piece, or commission basis excluding any form of supplementary incentives and bonuses which are calculated independently of regular wages and paid in addition thereto.”

- 10) The wages now due Plaintiff for his services are shown below.

Month	Year	Rate	Hours	Billing	Pay Rate	Pay Due
Dec	2020	\$125.00	94	\$11,750.00	85%	\$9,987.50
Jan	2021	\$125.00	160	\$20,000.00	85%	\$17,000.00
Feb	2021	\$125.00	140	\$17,500.00	85%	\$14,875.00
Mar	2021	\$125.00	180	\$22,500.00	85%	\$19,125.00
Apr	2021	\$125.00	172	\$21,500.00	85%	\$18,275.00
May	2021	\$125.00	160	\$20,000.00	85%	\$17,000.00
Jun	2021	\$125.00	144	\$18,000.00	85%	\$15,300.00
Jul	2021	\$125.00	128	\$16,000.00	85%	\$13,600.00
Aug	2021	\$125.00	164	\$20,500.00	85%	\$17,425.00
Sep	2021	\$125.00	158	\$19,750.00	85%	\$16,787.50
Oct	2021	\$125.00	158	\$19,750.00	85%	\$16,787.50
Nov	2021	\$125.00	86	\$10,750.00	85%	\$9,137.50
Total						<u>\$185,300.00</u>

- 11) Qandlestick, LLC only paid wages to Plaintiff of \$4,569 in 2020 for work done in January-February 2020 (before start of MUFG contract), and \$52,500 for work done in 2021 leaving \$132,800 now due.

- 12) Qandlestick, LLC is no longer an active company.

- 13) Defendant was a 20% shareholder, Chairman of the Board of Qandlestick, LLC, and *de facto* President as the company did not have a President, and was actively involved in the management of the company.

- 14) Pursuant to N.J.S.A. § 34:11-4.1a, “For the purposes of this act the officers of a corporation and any agents having the management of such corporation shall be deemed to be

the employers of the employees of the corporation.”

15) A company’s officers and agents are personally liable for unpaid wages as employers to its employees pursuant to N.J.S.A. § 34:11-4.1(a).

16) Under the New Jersey Wage Act N.J.S.A. § 34:11-4.10 (c) liquidated damages are due equal to 200 per cent of the wages due in addition to the unpaid wages.

17) Defendant owes Plaintiff \$398,400 which is composed of unpaid wages of \$132,800 and liquidated damages of \$265,600.

18) Plaintiff also seeks payment of his attorney’s fees as provided by N.J.S.A. § 34:11- 4.10(c).

**WHEREFORE** Plaintiff, Marc Deveaux, demands judgment against Defendant, Peter A. Bordes, Jr. in the amount of \$398,400, together with interest, attorney’s fees and cost of suit and such other and further relief as this Court may deem just and proper.

Stephen R. Bosin.  
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70 Grand Ave. Suite 200  
River Edge, N.J. 07661  
Attorney for Plaintiff  
StephenBosin@aol.com

Dated: February 9, 2023

**CERTIFICATION PURSUANT TO LOCAL RULE 11.2 .**

The undersigned certifies that the matter is controversy is not the subject of any other action pending in any court of any pending arbitration or administrative proceeding.

Dated: February 9, 2023

/s/Stephen R. Bosin  
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Attorney for Plaintiff